

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
Phone (916) 776-2290
FAX (916) 776-2293
E-Mail: dpc@citlink.net Home Page: www.delta.ca.gov



September 29, 2006

Mr. Scott Cantrell
California Dept. of Fish & Game
Habitat Conservation Division
1416 Ninth Street, Room 1342-C
Sacramento, CA 95814

Dear Mr. Cantrell:

SUBJECT: Proposed Planning Agreement for the Bay-Delta Conservation Plan (BDCP)

The staff of the Delta Protection Commission (Commission) has reviewed the subject document dated September 11, 2006. From the information provided, staff has determined that the proposed agreement is generally consistent with the Delta Protection Act (Act) and the Commission's adopted Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan). Both of these documents are available from the Commission's website, www.delta.ca.gov.

Staff would like to highlight the following policies and recommendations within the Management Plan that are relevant to this proposal for consideration in the final BDCP as well as the "early implementation" actions that may be undertaken in the interim:

Environment

- Policy 1: The priority land use of areas of prime soil shall be agriculture. If commercial agriculture is no longer feasible due to subsidence or lack of adequate water supply or water quality, land uses which protect other beneficial uses of Delta resources, and which would not adversely affect agriculture on surrounding lands, or viability or cost of levee maintenance, may be permitted.
- Policy 3: Lands managed primarily for wildlife habitat shall be managed to provide several inter-related habitats. Deltawide habitat needs should be addressed in development of any wildlife habitat plan. Appropriate programs, such as "Coordinated Resource Management and Planning" [Public Resources Code Section 9408(c)] and "Natural Community Conservation Planning" (Fish and Game Code Section 2800 et seq.) should ensure full participation by local government and property owner representatives.
- Recommendation 1: Seasonal flooding should be carried out in a manner so as to minimize mosquito production. Deltawide guidelines outlining "best management practices" should be prepared and distributed to land managers.
- Recommendation 2: Wildlife habitat on the islands should be of adequate size and configuration to provide significant wildlife habitat for birds, small mammals, and other Delta wildlife.

- Recommendation 3: Undeveloped channel islands provide unique opportunities for permanent wildlife habitat in the Primary Zone. A strategy should be developed to encourage permanent protection and management of the channel islands.
- Recommendation 4: Feasible steps to protect and enhance aquatic habitat should be implemented as may be determined by resources agencies consistent with balancing other beneficial uses of Delta resources.
- Recommendation 5: Publicly-owned land should incorporate, to the maximum extent feasible, suitable and appropriate wildlife protection, restoration and enhancement as part of a Deltawide plan for habitat management.

Land Use

- Policy 8: Local government policies regarding mitigation of adverse environmental impacts under CEQA may allow mitigation beyond county boundaries, if acceptable to reviewing fish and wildlife agencies, for example in approved mitigation banks.
- Recommendation 1: A program by nonprofit groups or other appropriate entities should be developed to promote acquisition of wildlife and agricultural conservation easements on private lands with the goal of protecting agriculture and wildlife habitat in the Delta.
- Recommendation 2: Public agencies and nonprofit groups have or propose to purchase thousands of acres of agricultural lands to restore to wildlife habitat. The amount, type, and location of land identified to be enhanced for wildlife habitat should be studied by wildlife experts to determine goals for future acquisition and restoration. Lands acquired for wildlife habitat should also be evaluated for recreation, access, research, and other needed uses in the Delta. Habitat restoration projects should not adversely impact surrounding agricultural practices. Public-private partnerships in management of public lands should be encouraged. Public agencies shall provide funds to replace lost tax base when land is removed from private ownership.

Water

- Policy 3: Water agencies at local, State, and federal levels shall work together to ensure that adequate Delta water quality standards are set and met and that beneficial uses of State waters are protected consistent with the CALFED Record of Decision dated August 8, 2000.
- Recommendation 2: Delta water rights should be respected and protected.
- Recommendation 3: Programs to enhance the natural values of the State's aquatic habitats and water quality will benefit the Delta and should be supported.
- Recommendation 5: Water for flooding to provide seasonal and year-round wildlife habitat should be provided as part of State and federal programs to provide water for wildlife habitat.
- Recommendation 7: State and federal water projects are beneficiaries of the Delta waterways and levees; the projects should fund that portion of levee erosion caused by water transport and should continue programs that fund protection of Delta levees.

- Recommendation 8: Water quality at Delta drinking water intakes should be maintained or enhanced.

Recreation and Access:

- Recommendation 6: State and federal projects in the Primary and Secondary Zones should include appropriate recreation and/or public access components to the extent consistent with project purposes and with available funding. State and federal agencies should consider private or user group improvements on publicly-owned lands to provide facilities.

Levees:

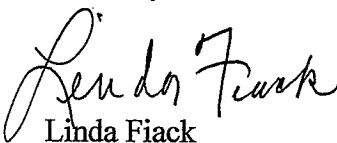
- Policy 1: Delta levee maintenance and rehabilitation shall be given priority over other uses of the levee areas. To the extent levee integrity is not jeopardized, other uses, including support of vegetation for wildlife habitat, shall be allowed.
- Recommendation 1: Levee maintenance, rehabilitation, and upgrading should be established as the first and highest priority use of the levee. No other use whether for habitat, trails, recreational facilities, or roads should be allowed to unreasonably adversely impact levee integrity or maintenance.

With respect to the sections of the document pertaining to "Interested Observers", staff encourages that contacts from Delta-area HCP/NCCP programs be included among this group to ensure that their restoration efforts are taken into consideration in the implementation of the BDCP. These programs include:

- San Joaquin Council of Governments implementing San Joaquin County HCP (contact is Steve Mayo);
- Yolo County HCP/NCCP Joint Powers Authority implementing Yolo County HCP (contact is Maria Wong);
- Contra Costa Water Agency staff undertaking formulation of the East Contra Costa County HCP (contact is John Kopchik);
- Sacramento County Planning and Community Development Department implementing South Sacramento HCP (contact is Richard Radmacher); and
- Solano County Water Agency implementing Solano County HCP/NCCP (contact is Chris Lee).

Thank you for the opportunity to provide input on this process. Please contact me at (916) 776-2290 or lindadpc@citlink.net if you have any questions about the Commission or the comments provided herein.

Sincerely,



Linda Fiack
Executive Director